

# In the United States Court of Federal Claims

## OFFICE OF SPECIAL MASTERS

No. 14-485V

Filed: April 29, 2016

UNPUBLISHED

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PAT KNIGHT, as Trustee for the heirs of \*  
GARY KNIGHT, deceased, \*

Petitioner, \*

v. \*

SECRETARY OF HEALTH \*  
AND HUMAN SERVICES, \*

Respondent. \*

\*\*\*\*\*

Attorneys' Fees and Costs;  
Reasonable Amount Requested  
To Which Respondent Does  
Not Object

*Randall G. Knutson, Knutson & Casey Law Firm, Mankato, MN, for petitioner.*  
*Linda Renzi, United States Department of Justice, Washington, DC, for respondent.*

### **DECISION ON ATTORNEYS' FEES AND COSTS<sup>1</sup>**

**Roth**, Special Master:

On June 5, 2014, Pat Knight ("petitioner") filed a petition, on behalf of Gary Knight, for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §300aa-10, *et seq.*,<sup>2</sup> (the "Vaccine Act"). Petitioner alleged that Gary Knight developed Guillain Barré Syndrome as the result of receiving an influenza vaccination on August 16, 2011. Petition ("Pet.") at 1. On December 4, 2015, the undersigned issued a decision awarding compensation to petitioner based on the parties' stipulation. (ECF No. 36).

On April 28, 2016, petitioner filed an unopposed motion ("Motion") for attorneys' fees and costs. (ECF No. 41). Petitioner requests attorneys' fees and costs in the amount of \$21,620.53. *Id.* at 1. In accordance with General Order #9, petitioner's counsel represents that petitioner incurred no out-of-pocket expenses. *Id.* (Statement Under General Order #9).

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<sup>1</sup> Because this unpublished decision contains a reasoned explanation for the action in this case, the undersigned intends to post it on the United States Court of Federal Claims' website, in accordance with the E-Government Act of 2002. 44 U.S.C. § 3501 note (2012) (Federal Management and Promotion of Electronic Government Services). In accordance with Vaccine Rule 18(b), petitioner has 14 days to identify and move to redact medical or other information, the disclosure of which would constitute an unwarranted invasion of privacy. If, upon review, the undersigned agrees that the identified material fits within this definition, the undersigned will redact such material from public access.

<sup>2</sup> National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755. Hereinafter, for ease of citation, all "§" references to the Vaccine Act will be to the pertinent subparagraph of 42 U.S.C. § 300aa (2012).

Furthermore, in respondent's response to petitioner's Motion, she reiterates that she does not object to the amount of fees and costs requested by petitioner. (ECF No. 42). After confirmation from petitioner that no reply would be filed, the matter is now ripe for review.

The Vaccine Act permits an award of reasonable attorneys' fees and costs. § 15(e). After a careful review of petitioner's Motion and the attached billing records and affidavits, on the reasonableness of petitioner's request, and due to the lack of opposition from respondent, the undersigned **GRANTS** petitioner's motion for attorneys' fees and costs.

**Accordingly, the undersigned awards the total of \$21,620.53<sup>3</sup> as a lump sum in the form of a check jointly payable to petitioner and petitioner's counsel, Randall G. Knutson.**

The clerk of the court shall enter judgment in accordance herewith.<sup>4</sup>

**IT IS SO ORDERED.**

**s/Mindy Michaels Roth**

Mindy Michaels Roth

Special Master

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<sup>3</sup> This amount is intended to cover all legal expenses incurred in this matter. This award encompasses all charges by the attorney against a client, "advanced costs" as well as fees for legal services rendered. Furthermore, § 15(e)(3) prevents an attorney from charging or collecting fees (including costs) that would be in addition to the amount awarded herein. *See generally Beck v. Sec'y of Health & Human Servs.*, 924 F.2d 1029 (Fed. Cir.1991).

<sup>4</sup> Pursuant to Vaccine Rule 11(a), entry of judgment can be expedited by the parties' joint filing of notice renouncing the right to seek review.